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08/932,227	09/17/1997	ERIC T. FOSSEL		5092

7590 07/29/2004  
LORUSSO & LOUD  
440 COMMERCIAL STREET  
BOSTON, MA 02109

EXAMINER

MULLIS, JEFFREY C

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO. <i>pr</i>
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EXAMINER
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ART UNIT
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PAPER
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704

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**Commissioner for Patents**

The reply filed on 5-17-04 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicants' have amended the claims without showing deletions and/or additions. For instance the word "and" has been deleted before "magnesium chloride" in claims 39, 47 and 56. Applicants should review their amendment to ascertain that no other changes have been made that have not been properly indicated and resubmit their amendment in proper form. Also applicants have failed to provide a marked up copy of the substitute specification and a statement that the substitute specification has no new matter. It is noted that only portions of the specification that have been amended have been presented and not an entire marked up copy of the specification. Applicants substitute specification has therefore not been entered. It is noted that applicants have now presented substantial new amendments to the unentered substitute specification. Applicants should therefore submit a proper new substitute specification with all the changes made to the specification as it stood prior to the Office action of 9-26-03 and including any changes to be made in applicants' response. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

As a matter separate from the issue of whether or not applicants' amendment is compliant it is noted that similar or identical claims without the word "and" were rejected under 35 USC 112, second paragraph in the Office action of 11-20-1998 and will be again should applicants' amend their claims in response to this Office action such that "and" is not present in the above claims.

JCM

7-24-04

Jeffrey C. Mullis  
J Mullis  
Art Unit: 1711

## BACKGROUND

### [0001] 1. Field of the Invention

[0002] This invention relates to topical application of a cream, gel, or other vehicle which contains substances such as L-arginine which delivers these substances into tissue for the purpose of producing beneficial effects such as growth of hair on the scalp, healing of leg ulcers secondary to diabetes or confinement to bed and overcoming erectile dysfunction, as well as beneficial effects through restoration of natural mechanisms based on improvement of local blood supply.

### [0003] 2. Prior Art

[0004] Approaches to improving local blood flow have been many and consist of both systemic and topical approaches. Many beneficial effects could be obtained should improvement in local blood flow be achieved since impairment of local blood flow causes a variety of negative consequences.

[0005] It has been recognized that deficiencies in blood flow in the scalp occur in male pattern baldness. See G. Duplechain et al., J. Louisiana State Med Soc. 146, 7 (1994); P Klemp et al., J Invests Dermatol 95, 725 (1989); S Toshitani et al., J Dermatol 17, 240 (1990). Topical minoxidil has been used as an agent for hair growth in male pattern baldness with varying results. Though the suggestion has been made that minoxidil operates through increase in the blood supply to the scalp, many investigators have failed

20  
not later  
Substantive  
prior art